

I left a message that I was returning her call to me of August 11, 2004. DeLuca's Affidavit, Exhibit 1.

**RAYMOND E. BEALE, JR. INTERROGATORIES
SERVED ON THE PLAINTIFF, GAETANO P. DELUCA**

On August 11, 2004, Attorney Bloom produced "Answers to" Interrogatories served on the Defendant Raymond E. Beale, Jr. However, they are non-responsive in part. DeLuca's Affidavit and Exh. 3.

II. ARGUMENT

**A. THE COURT SHOULD NOT GRANT
A STAY OF DISCOVERY**

As set forth herein and in accordance with the Federal Rules of Civil Procedure and Local Rule 26.2, on January 12, 2004, the plaintiff filed and served his Automatic Disclosure Statement. However, in accordance with the Courts Memorandum and Order the Plaintiff now relies on the Courts Findings dated, July 8, 2004. DeLuca's Affidavit, Exhibit 14.

Thereafter, on January 12, 2004, the plaintiff then served various discovery requests upon defendants' counsel.

Under Local Rule 26.2, a party may commence discovery once he or she has made the automatic disclosures required by the Rule. However, the Plaintiff now relies on the Courts findings in its Memorandum and Order dated, July 8, 2004.